Attorney Docket No.

10/531810

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: INFORMATION RECORDING MEDIUM, INFORMATION RECORDING APPARATUS AND INFORMATION REPRODUCING APPARATUS FOR THE SAME

The specification of which									
a. is attached hereto				' (felibla) (ia Aba assa					
b. Was filed on as application serial no and was amended on (if applicable) (in the case									
of a PCT-filed application) described and claimed in international no. <u>PCT/JP2003/006965</u> filed on <u>June 2, 2003</u> and as amended on October 27, 2003 (if any), which I have reviewed and for which I solicit a United States patent.									
October 21, 2005 (if any), which I have reviewed and for which I solicit a Office States patent.									
I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.									
I hereby claim foreign priority ben certificate listed below and have al that of the application on the basis	so identified below any foreign a	es Code, § 119/365 of a application for patent o	ny foreign a r inventor's o	pplication(s) for patent or inventor's certificate having a filing date before					
a. ☐ no such applications have been such applications have been									
FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119									
COUNTRY	APPLICATION NUMBER	DATE OF FILING		DATE OF ISSUE					
		(day, month, year)		(day, month, year)					
Japan	2002-304792	18 October 2002							
ALL FORE	IGN APPLICATION(S), IF ANY, FIL	LED BEFORE THE PRIO	RITY APPLIC	ATION(S)					
COUNTRY	APPLICATION NUMBER	DATE OF FILING		DATE OF ISSUE					
		(day, month, year)		(day, month, year)					
-			-						
below and, insofar as the subject manner provided by the first parag	natter of each of the claims of thi raph of Title 35, United States C al Regulations, § 1.56(a) which o	s application is not discode, § 112, I acknowle	closed in the dge the duty	Tinternational application(s) listed prior United States application in the to disclose material information as the prior application and the national					
U.S. APPLICATION NUMBER	DATE OF FILING (DATE OF FILING (day, month, year)		STATUS (patented, pending, abandoned)					
I hereby claim the benefit under Ti	itle 35, United States Code § 119	(e) of any United State	s provisiona	l application(s) listed below:					
U.S. PROVISIONAL A	DA	DATE OF FILING (Day, Month, Year)							
		<u> </u>							



PFO 18 APR 2005

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I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

- A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - prior art cited in search reports of a foreign patent office in a counterpart application, and (1)
- the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; (1)

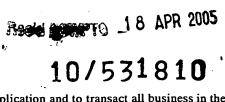
or

- It refutes, or is inconsistent with, a position the applicant takes in: (2)
 - Opposing an argument of unpatentability relied on by the Office, or (i)
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (c)
 - Each inventor named in the application: (1)
 - Each attorney or agent who prepares or prosecutes the application; and (2)
- Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the (d) attorney, agent, or inventor.
- In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



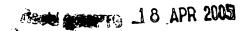


I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Al: No Taffan	Dog No. 46 250		
Ali, M. Jeffer	Reg. No. 46,359 Reg. No. 40,274	Lauer, Deakin T.	Reg. No. 47,892
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, 65	Reg. No. 32,960	Leonard, Christopher J.	Reg. No. 41,940
Batzli, Brian H.	Reg. No. 27,612	Lewis, George C.	Reg. No. 53,214
Beard, John L.	Reg. No. 43,496	Liepa, Mara E.	Reg. No. 40,066
Berns, John M.	_	McDonald, Daniel W.	Reg. No. 32,044
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Campbell, Keith	Reg. No. 46,597	Phillips, John B.	Reg. No. 37,206
Clifford, John A.	Reg. No. 30,247	<u> </u>	Reg. No. 43,858
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DeVries Smith, Katherine M.	Reg. No. 42,157	Roath, Paul D.	Reg. No. 45,045 Reg. No. 39,828
DiPietro, Mark J.	Reg. No. 28,707	Schmaltz, David G.	Reg. No. 31,197
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Hennings, Mark	Reg. No. 48,982	Wahl, John R.	Reg. No. 33,044
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Kowalchyk, Katherine M.	Reg. No. 36,848		
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Larson, James A.	Reg. No. 40,443		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.





10/531810

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature of Inventor 201: Masaru Yamaoks			•	Date:	april 4, 2005
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Signature of Inventor 202: Takashi Yumiba					Merch 30,2005
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Sign	Signature of Inventor 204: Wideshi Jahhara				March 30, 2005

JC12 Rec'd PCT/PTC 1 8 APR 2005 **PATENT**

S/N

Unknown

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

YAMAOKA, et al.

Examiner:

Unknown

Serial No.:

Unknown

Group Art Unit:

Unknown

Filed:

Herewith

Docket:

10873.1682USWO

Title:

INFORMATION RECORDING MEDIUM, INFORMATION

RECORDING APPARATUS AND INFORMATION REPRODUCING APPARATUS FOR THE SAME

CERTIFICATE UNDER 37 CFR 1.10

Express Mail mailing label number: ED 874651354 US

Date of Deposit: April 18, 2005

I hereby certify that the papers listed below are being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 CFR 1.10 in an envelope addressed to: Mail Stop Application, Commissioner for Patents, P.O. Box 1450, Arlington, VA

Name: Raquel M. Zamorano-Carey

COMMUNICATION UNDER 37 C.F.R. §1.32(c)(3)

Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.32 (c)(3) please appoint the following practitioners named in the Power of Attorney to be recognized by the U.S. Patent Office as being of record in the aboveidentified application:

James A. Larson (40,443) Douglas P. Mueller (30,300) Michael D. Schumann (30,422) Curtis B. Hamre (29,165)__

The undersigned was named on the Power of Attorney.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. Box 2902-0902

Minneapolis,/MN 55402-0903

(612)

Dated: April 18, 2005

las P. Mueller

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